

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRENDAN PICHA and MAX J. HASTINGS,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

GEMINI TRUST COMPANY, LLC, TYLER
WINKLEVOSS and CAMERON
WINKLEVOSS,

Defendants.

No.: 1:22-cv-10922-NRB

Hon. Naomi Reice Buchwald

**CERTIFICATION OF JAMES DEREK TAYLOR
IN SUPPORT OF LEAD PLAINTIFF MOTION**

I, James Derek Taylor, hereby certify under penalty of perjury that the following is true and correct to the best of my knowledge, information, and belief:

1. I have reviewed the complaint filed in this action and authorize the filing of a lead plaintiff motion on my behalf.

2. I did not invest in the Gemini Earn program at issue in this action at the direction of my counsel, nor in order to participate in any private action arising under the Securities Act of 1933 (the “Securities Act”) or the Securities Exchange Act of 1934 (the “Exchange Act”).

3. I am willing to serve as a representative party on behalf of a class, including providing testimony at a deposition and trial, if necessary.

4. My principal goal in jointly filing with other individuals for lead plaintiff is to achieve the best possible recovery for the class from all culpable parties. I agree to engage in the use of collective resources and to engage in joint decision-making to materially benefit and advance the interests of the class in this case.

5. I began investing in the Gemini Earn program in or around May 27, 2021. To the best of my knowledge, the attached **Appendix D** lists my transactions in connection with the program, which demonstrates the extent of my losses.

6. During the three-year period preceding the date of this Certification, I have not sought to serve as a representative party on behalf of a class in any private action arising under the Securities Act or the Exchange Act.

7. I will not accept any payment for serving as a representative party on behalf of the class beyond my pro rata share of any possible recovery, except for an award, as ordered by the Court, for reasonable costs and expenses (including lost wages) directly relating to my representation of the class.

8. After learning about the class action pending against Gemini Trust Company, LLC, Tyler Winklevoss and Cameron Winklevoss on behalf of Gemini Earn investors, I spoke to several law firms. On January 23, 2023, I contact Kim & Serritella LLP ("K&S"). I was interested in finding out more information about the class action and what the process would be, as well as learning what qualifications K&S had. I spoke with Hee-Jean Kim, James Serritella and others at K&S several times, after which I felt confident in their qualifications, conduct, and commitment to the class in getting the best result for us. After discussing the possibility of joining as lead plaintiff, I also met with Brendan Picha, Max Hastings and Kyle McKuhen on video conference.

9. Since joining the group, I have attended several video conferences, along with the other lead individuals joining this motion (the "Lead Plaintiff Group"), to discuss strategy with K&S and next steps. In addition, on or about February 20, 2023, I joined a group chat via the instant messaging service Telegram (the "Telegram Group") to discuss the issues faced by investors in the Gemini Earn program ("Earn Investors") after Gemini froze all Earn accounts on

November 16, 2022. Brendan Picha and Max Hastings are administrators of the Telegram Group and Kyle McKuhen and Christine Calderwood are members. As demonstrated by my involvement in group meetings and also in the Telegram Group, I have been taking an active role in connecting with and looking out for the interests of Earn Investors.

10. I understand that four additional individuals are jointly filing this motion to serve as lead plaintiffs in this action. I have met each of them and welcome serving with them in the Lead Plaintiff Group. I understand the seriousness of our role, and I believe that under the circumstances, the proposed class would benefit from a small lead plaintiff group over a single individual lead plaintiff. The Earn Investors have been extremely vocal on various social media platforms, including on the Telegram Group, due to the real harm that people have incurred. I believe that the pressure to make the correct decisions resting solely on one person could be difficult and Earn Investors would benefit from a small group making them collectively.

11. The Lead Plaintiff Group is comprised of intelligent individuals who are committed to achieving the best outcome for the class and I am confident we will all work well together. I do not anticipate any major or unresolvable disagreements between myself and the Lead Plaintiff Group and I intend to make all efforts, in good faith, to reach consensus with respect to all litigation decisions to fulfill my obligations to the class, including when necessary, consulting with K&S. However, should there be a failure to reach a consensus, the Lead Plaintiff Group has agreed to implement a protocol for resolving any disagreements, including through a simple majority vote. This process will allow us to act efficiently on matters relating to the well-being of the class while remaining in keeping with the self-organized and democratic origins of our suit.

Dated: 02 / 25 / 2023


James Derek Taylor

APPENDIX D – TAYLOR CERTIFICATION**GEMINI DOLLAR**

Gemini Earn Transactions			
Date	Time	Transaction	Token Amount
5/27/2021	10:43:35 PM	Investment	500.00
5/28/2021	6:30:24 PM	Investment	482.55
5/31/2021	8:00:00 PM	Monthly Interest Summary	0.57
6/15/2021	4:38:12 PM	Investment	50000.00
6/17/2021	1:46:01 AM	Investment	50000.00
6/30/2021	8:00:00 PM	Monthly Interest Summary	279.89
7/27/2021	2:09:31 PM	Redemption	5
7/27/2021	2:10:40 PM	Investment	5.00
7/31/2021	8:00:00 PM	Monthly Interest Summary	615.87
8/21/2021	1:16:58 AM	Investment	100000.00
8/31/2021	8:00:00 PM	Monthly Interest Summary	776.33
9/17/2021	11:32:04 PM	Redemption	25
9/17/2021	11:45:48 PM	Redemption	1000
9/30/2021	8:00:00 PM	Monthly Interest Summary	1290.36
10/31/2021	8:00:00 PM	Monthly Interest Summary	1338.19
11/6/2021	12:14:04 AM	Investment	500.00
11/30/2021	9:00:00 PM	Monthly Interest Summary	1305.76
12/25/2021	3:00:54 PM	Investment	257.00
12/30/2021	1:05:40 AM	Investment	253.02
12/31/2021	9:00:00 PM	Monthly Interest Summary	1359.20
1/31/2022	9:00:00 PM	Monthly Interest Summary	1371.25

2/28/2022	9:00:00 PM	Monthly Interest Summary	1246.32
3/31/2022	8:00:00 PM	Monthly Interest Summary	1388.51
4/7/2022	8:49:17 PM	Investment	450000.00
4/7/2022	11:33:46 PM	Investment	0.62
4/13/2022	12:22:44 AM	Investment	1500000.00
4/19/2022	1:10:26 PM	Investment	25000.00
4/20/2022	1:38:37 PM	Investment	25000.00
4/21/2022	5:28:11 PM	Investment	25000.00
4/26/2022	5:43:50 PM	Investment	262229.48
4/28/2022	2:48:51 PM	Redemption	300000
4/30/2022	8:00:00 PM	Monthly Interest Summary	7808.67
5/3/2022	1:04:27 PM	Investment	23220.86
5/3/2022	1:14:14 PM	Investment	1788.07
5/4/2022	3:58:49 PM	Investment	24867.02
5/6/2022	8:21:17 PM	Investment	24990.99
5/10/2022	12:06:16 AM	Redemption	10000
5/16/2022	11:32:04 PM	Investment	10000.00
5/31/2022	8:00:00 PM	Monthly Interest Summary	12873.98
6/22/2022	8:00:00 PM	Monthly Interest Summary	9243.12
6/23/2022	5:34:26 PM	Redemption	2303962.64
7/23/2022	1:14:01 PM	Investment	25000.00
7/24/2022	2:39:22 PM	Investment	25000.00
7/25/2022	9:29:35 PM	Investment	25000.00
7/31/2022	8:00:00 PM	Monthly Interest Summary	80.49
8/5/2022	5:30:53 PM	Investment	925000.00
8/31/2022	8:00:00 PM	Monthly Interest Summary	5005.70
9/7/2022	2:44:10 PM	Redemption	3000

9/30/2022	8:00:00 PM	Monthly Interest Summary	5710.38
10/31/2022	8:00:00 PM	Monthly Interest Summary	5062.01
11/9/2022	5:02:18 PM	Redemption	4000
11/9/2022	5:02:45 PM	Redemption	4000
11/15/2022	9:00:00 PM	Monthly Interest Summary	2283.31
11/16/2022	2:06:18 PM	Redemption	1007141.89
Gemini Dollar		Realized Losses = \$1,008,363.52	

TOTAL REALIZED LOSSES = \$1,008,363.52

***All attempted redemptions on November 16 , 2022 were not fulfilled by Gemini and therefore such attempted redemptions are not included in this schedule.**